

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

IN RE:)
)
BRENDA LORENE MOORE and) CASE NO. 05-68562 JPK
CHARLES MOORE,) Chapter 13
)
Debtors.)

ORDER REGARDING PROCEEDINGS ON
MOTION FOR STAY RELIEF/ABANDONMENT

On July 10, 2006, a preliminary hearing was held on the Motion to Modify the Automatic Stay and Request for Abandonment filed by Countrywide Home Loans, Inc. on June 5, 2006. Countrywide appears by counsel Michael Kulak; the Chapter 13 Trustee appears by counsel Julia M. Hoham.

The Court's record indicates that the movant may well succeed on its motion; however, the record is understandably devoid of admissible evidence with respect to the movant's request for relief, and the Court does not deem it appropriate to proceed under the default provisions of Fed.R.Bankr.P. 9014(c)/Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55 based upon pleading allegations of the motion itself absent compliance with Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2), in light of the fact that no separate appearance in this contested matter is required of debtor's counsel, and said counsel is essentially deemed to have appeared generally in matters relating to this case. The Court therefore determines that the procedures of Fed.R.Bankr.P. 7055/Fed.R.Civ.P. 55(b)(2) are to be employed, and that the Court may "order such references as it deems necessary and proper" to determine the matter.

IT IS ORDERED that the provisions of Fed.R.Bankr.P. 9017/Fed.R.Civ.P. 43(e) shall apply, and that the movant may present evidence in support of its motion by means of an affidavit in conformity with Rules 803(6) and 902(11) of the Federal Rules of Evidence.

IT IS FURTHER ORDERED that the movant shall file its affidavit in support of its motion

by **July 21, 2006**; and that the debtors shall file any opposing affidavit containing admissible evidence in response to that submitted by the movant, by **August 4, 2006**. In the event that the debtors fail to so respond, the matter will be submitted to the Court without further notice or hearing upon the affidavit filed by the movant. In the event of the debtors' response, the Court will set the matter for a pre-hearing conference on the evidence submitted by both parties in the form of affidavits.

Dated at Hammond, Indiana on July 17, 2006.

/s/ J. Philip Klingeberger
J. Philip Klingeberger, Judge
United States Bankruptcy Court

Distribution:
Debtors, Attorney for Debtors
Trustee, US Trustee
Attorney for Creditor